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DID# 0161949002

BEFORE THE SURFACE TRANSPORTATION BOARD

Burlington Northern and Santa Fe)
Railway Co. -- Columbus, KS to) AB-6 (Sub-no. 395X)
Carthage, MO)



Statement of Good Cause on behalf of
Joplin Trail Coalition

Joplin Trail Coalition (JTC) makes this Statement of Good Cause, pursuant to 49 C.F.R. § 1152.29(b)(3), in connection with the "statement of willingness" tendered herewith applicable to the Kansas portion of the line at issue in this proceeding. JTC, along with City of Carl Junction, had previously and timely filed a "statement of willingness" in connection with the Missouri portion of the line. Good cause exists for filing the accompanying statement of willingness for the reasons stated herein.

JTC recognizes that the entire rail line from Columbus, KS, to Carthage, MO, would make an excellent recreational and commuting trail facility, as well as constitute a valuable railbanking asset. However, before initiating the railbanking process with respect to the Kansas portion, JTC wished to ascertain if there would be sufficient local support. In cooperation with Ozark Regional Land Trust, JTC undertook to examine support in Cherokee County, KS, and now believes sufficient support exists to incorporate the Kansas portion of this line into negotiations under 16 U.S.C. § 1247(d) with Burlington Northern and Santa Fe (BNSF).

Through counsel, JTC had previously advised BNSF (Mr. Batie)

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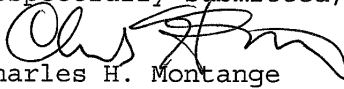
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that JTC was examining support and might well file an additional "statement of willingness" encompassing the Kansas portion of the line. JTC understands that BNSF will support issuance of a NITU for the entire line in the circumstances.

The time period for filing a "statement of willingness" is very abbreviated in § 1152.50 proceedings such as this. Any delay in meeting the ten day time window here was in the nature of undertaking a reasonable "due diligence" investigation. This delay was ameliorated to the extent possible by prior notice to BNSF that a "statement" might be filed for the Kansas portion of the line as well. Accordingly, good cause exists to accept for filing the otherwise late-filed "statement of willingness" for the Kansas portion of the line at issue, and JTC requests that its additional statement of willingness be filed.

Respectfully submitted,


Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
fax: -3739
for Joplin Trail Coalition

Encls. (additional check, statement of willingness)

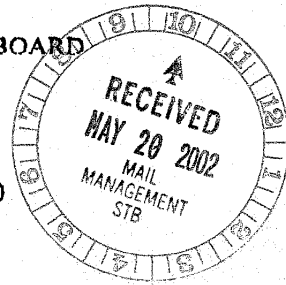
cc. Joplin Trail Coalition

Certificate of Service

I hereby certify service of the foregoing by US Mail, postage pre-paid, first class, this 17th day of May, 2002, upon Brian Nettles, Freeborn & Peters, 311 South Wacker Drive, Suite 3000, Chicago, IL 60606-6677 (fax: 312-360-6596) and Rich Batie, BNSF, 2600 Lou Menk Drive, 2d Floor, Fort Worth, TX 76131 (fax: 817-352-7938).

BEFORE THE SURFACE TRANSPORTATION BOARD

Burlington Northern and Santa Fe)
Railway Co. Columbus, KS to) AB-6 (Sub-no. 395X)
Carthage, MO)



Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247 (d) and 49 CFR 1152.29, the Joplin Trail Coalition ("Coalition" or "interim Trail User"), is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case, it need only indemnify the railroad all taxes that may be levied or assessed against the right-of-way owned and operated by Burlington Northern and Santa Fe Railway Company (Railroad) with respect to that portion of the right-of-way in Cherokee County, Kansas. The property extends from MP343.55 at Columbus, KS to MP 331.23 at the State Line (border of Cherokee County, KS and Jasper County, MO) a distance of 12.32 miles in Cherokee County, KS¹. The right of way is part of a line proposed for abandonment in Docket AB-6 (Sub-no. 395X).

A map depicting the property is attached.

Coalition acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the railroad on the same date it is being served on the Board.

Joplin Trail Coalition

Paul Teverow

by: Paul Teverow

title: President,

Joplin Trail Coalition

P.O. Box 2102

Joplin, MO 64803

Tel: 417-625-3114

¹ The Cherokee County segment is a portion of a larger line described as MP 343.55 at Columbus, KS to MP 315.30 near Carthage, MO, a distance of 28.25 miles in Cherokee County, KS and Jasper County, MO.

COLUMBUS, KS - CARTHAGE, MO

